

IN THE UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF TEXAS

EL PASO DIVISION

VOLUME 1 OF 1

UNITED STATES OF AMERICA

EP:13-CR-0370-DCG

v.

EL PASO, TEXAS

MARCO ANTONIO DELGADO

September 21, 2016

**JURY NOTE/VERDICT/JURY POLLED**

THE HONORABLE DAVID C. GUADERRAMA

UNITED STATES DISTRICT JUDGE

APPEARANCES:

For the Government: Debra Kanof  
Anna Arreola  
Jose Luis Gonzales  
Assistant United States Attorney  
700 East San Antonio, Suite 200  
El Paso, Texas 79901

For the Defendant: Maureen Franco  
Erik Hanshew  
Assistant Federal Public Defender  
700 E. San Antonio, Suite 410  
El Paso, Texas 79901

Court Reporter: Kathleen A. Supnet  
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Proceedings reported by mechanical stenography,  
transcript produced by computer-aided software and computer.

KATHLEEN A. SUPNET, CSR

1 (Proceedings begin at 2:21 p.m.)

2 (Jury not present.)

3 JURY NOTE

4 THE COURT: I received the following note from the  
5 jury.

6 "What is an IOLTA Trust? In parenthesis, (FGG  
7 Enterprises LLC tax corrections), what exhibit number is it"?

8 Do you-all want to take a look at it and see what we  
9 ought to answer?

10 MR. HANSHEW: My only suggestion would be refer them  
11 to the evidence.

12 THE COURT: Well, I thought I'd answer it, the law  
13 prohibits me from providing an answer to either of the questions  
14 that you asked.

15 MS. KANOF: I couldn't hear.

16 THE COURT: These kingdoms that they build in federal  
17 court sometimes are obstructive.

18 MS. KANOF: I still can't hear you. I know I'm having  
19 an issue.

20 Yeah, I think that's an appropriate response.

21 MR. HANSHEW: No, objection.

22 MS. KANOF: Yeah, no objection to the response, Your  
23 Honor.

24 THE COURT: The Court proposes to answer: "The law  
25 prohibits me from providing an answer to either of the questions

1 that you ask."

2 And if you are in agreement, if you would just sign in  
3 the space provided for you.

4 Mr. Hanshew, would you waive any right that there  
5 might be to have the jury brought back in to open court and read  
6 the answer back in court and just to have me simply send back  
7 the answer?

8 MR. HANSHEW: Yes, Your Honor.

9 MS. KANOF: We, as well, Your Honor.

10 MR. HANSHEW: No objection. We waive.

11 THE COURT: All right.

12 Mr. Heidman, if you'd take that back?

13 (Juror Note sent back to the jury at 2:24 p.m.)

14 (Proceedings begin at 2:57 p.m.)

15 (Jury not present.)

16 THE COURT: All right. Ms. Arreola, did you say you  
17 wanted to put something on the record?

18 MS. ARREOLA: Yes, Your Honor.

19 Regarding the forfeiture, I spoke with Mr. Hanshew a  
20 few days ago and he represented that his client would not be  
21 seeking a jury trial on the forfeiture in the event of a  
22 conviction, and I wanted to make sure the record reflected that.

23 MR. HANSHEW: That's correct, Judge.

24 THE COURT: All right.

25 I think the jury's indicated they have a verdict.

1 COURT SECURITY OFFICER HEIDMAN: Yes, sir.

2 THE COURT: So I think we're all here. Probation's  
3 here. So let's go.

4 COURT SECURITY OFFICER HEIDMANN: Yes, sir.

5 (Jury present.)

6 THE COURT: Let the record reflect that all members of  
7 the jury are present, the United State's assistant attorneys are  
8 present, the defendant and his counsel is present.

9 Mr. Arrieta, I received a note indicating the jury has  
10 reached a verdict; is that correct?

11 JUROR ARRIETA: Yes, Your Honor.

12 THE COURT: And is this the unanimous verdict of the  
13 jury?

14 JUROR ARRIETA: Yes, Your Honor.

15 THE COURT: Would you hand the charge and verdict  
16 forms to my bailiff?

17 COURTROOM SECURITY OFFICER HEIDMAN: Thank you.

18 THE COURT: All right.

19 If the defendant would rise, please?

20 VERDICT

21 THE COURT: Count One: As to the charge of wire fraud  
22 involving wire transfer on March 8th, 2010, of funds in the  
23 amount of approximately \$20-million from a bank account in the  
24 Republic of Mexico to bank in the Turks & Caicos Islands, we the  
25 jury unanimously find Marco Antonio Delgado guilty.

1           Count Two: As to the charge of wire fraud involving  
2 wire transfer on July 6th, 2010, of funds in the amount of  
3 approximately \$12-million from a bank account in the Republic of  
4 Mexico to a bank in the Turks & Caicos Islands, we the jury  
5 unanimously find Marco Antonio Delgado guilty.

6           Count Three: As to the charge of wire fraud involving  
7 e-mail on February 11, 2010, containing a letter from F.J.G., as  
8 president of FGG, to MPSA Vice President of New Projects,  
9 stating that MPSA will not be responsible for any letter of  
10 credit, we the jury unanimously find Marco Antonio Delgado  
11 guilty.

12           Count Four: As to the charge of money laundering  
13 involving transmission or transfer, on or about October 26,  
14 2010, of funds in the amount of approximately \$150,000.00 from  
15 an account in the Turks & Caicos Islands to an account in  
16 El Paso, Texas, we the jury unanimously find Marco Antonio  
17 Delgado guilty.

18           As to the charge of money laundering involving  
19 transmission or transfer, on or about December 15th, 2010, of  
20 funds in the amount of approximately \$100,000.00 from an account  
21 in the Turks & Caicos Islands to an account to El Paso, Texas,  
22 we the jury unanimously find Marco Antonio Delgado guilty.

23           As to the charge of money laundered involving  
24 transmission -- this is Count Six -- as to the charge of money  
25 laundering involving transmission or transfer, on or about

1 February 1st, 2011, of funds in the amount of approximately  
2 \$70,000.00 from an account in the Turks & Caicos Islands to an  
3 account in El Paso, Texas, we the jury unanimously find Marco  
4 Antonio Delgado guilty.

5 Count Seven: As to the charge of money laundering  
6 involving transmission or transfer, on or about February 23rd,  
7 2011, of funds in the amount of approximately \$150,000.00 from  
8 an account in the Turks & Caicos Islands to an account in  
9 El Paso, Texas, we the jury unanimously find Marco Antonio  
10 Delgado guilty.

11 Count Eight: As to the charge of money laundering  
12 involving transmission or transfer, on or about April 7th, 2011,  
13 of funds in the amount of approximately \$75,000.00 from an  
14 account in the Turks & Caicos Islands to an account in El Paso,  
15 Texas, we the jury unanimously find Marco Antonio Delgado  
16 guilty.

17 Count Nine: As to the charge of money laundering  
18 involving transmission or transfer, on or about May 25th, 2011,  
19 of funds in the amount of approximately \$50,000.00 from an  
20 account in the Turks & Caicos Islands to an account in El Paso,  
21 Texas, we the jury unanimously find Marco Antonio Delgado  
22 guilty.

23 Count Ten: As to the charge of money laundering  
24 involving transmission or transfer, on or about June 27th, 2011,  
25 of funds in the amount of approximately \$50,000.00 from an

1 account in the Turks & Caicos Islands to an account in El Paso,  
2 Texas, we the jury unanimously find Marco Antonio Delgado  
3 guilty.

4 Count Eleven: As to the charge of Engaging in  
5 Monetary Transactions in Property Derived from Specified  
6 Unlawful Activity involving transfer, on or about May 19th,  
7 2010, of approximately \$375,000.00 from an account in the Turks  
8 & Caicos Islands to a Wells Fargo account in the United States,  
9 we the jury unanimously find Marco Antonio Delgado guilty.

10 Count Twelve: As to the charge of Engaging in  
11 Monetary Transactions in Property Derived from Specified  
12 Unlawful Activity involving transfer, on or about July 14th,  
13 2010, of approximately \$200,000.00 from an account in the Turks  
14 & Caicos Islands to a Mellon Bank account in the United States,  
15 we the jury unanimously find Marco Antonio Delgado guilty.

16 Count Thirteen: As to the charge of Engaging in  
17 Monetary Transactions in Property Derived from Specified  
18 Unlawful Activity involving transfer, on or about August 6,  
19 2010, of approximately \$70,000.00 from an account in the Turks &  
20 Caicos Islands to a Bank of the West account in the United  
21 States, we the jury unanimously find Marco Antonio Delgado  
22 guilty.

23 Count Fourteen: As to the charge of Engaging in  
24 Monetary Transactions in Property Derived from Specified  
25 Unlawful Activity involving transfer, on or about December 10th

1 of 2010, of approximately \$200,000.00 from an account in the  
2 Turks & Caicos Islands to a Bank of the West account in the  
3 United States, we the jury unanimously find Marco Antonio  
4 Delgado guilty.

5 Count Fifteen: As to the charge of Engaging in  
6 Monetary Transactions in Property Derived from Specified  
7 Unlawful Activity involving transfer, on or about March 17th,  
8 2011, of approximately \$152,000.00 from an account in the Turks  
9 & Caicos Islands to a Centinel Bank of Taos account in the  
10 United States, we the jury unanimously find Marco Antonio  
11 Delgado guilty.

12 Count Sixteen: As to the charge of Engaging in  
13 Monetary Transactions in Property Derived from Specified  
14 Unlawful Activity involving transfer, on or about June 2nd,  
15 2011, of approximately \$40,000.00 from an account in the Turks &  
16 Caicos Islands to a Bank of the West account in the United  
17 States, we the jury unanimously find Marco Antonio Delgado  
18 guilty.

19 Count Seventeen: As to the charge of Engaging in  
20 Monetary Transactions in Property Derived from a Specified  
21 Unlawful Activity involving transfer, on or about January 5th of  
22 2012, of approximately \$59,151.27 from an account in the Turks &  
23 Caicos Islands to a Compass Bank account in the United States,  
24 we the jury unanimously find Marco Antonio Delgado guilty.

25 As to the charge of Engaging in Monetary Transactions

1 in Property Derived from a Specified Unlawful Activity involving  
2 transfer, on or about March 30th, 2012, of approximately  
3 \$46,655.00 from an account in the Turks & Caicos Islands to a  
4 WestStar Bank account in the United States, we the jury  
5 unanimously find Marco Antonio Delgado guilty.

6 As to the charge of Engaging in Monetary Transactions  
7 in Property Derived from Specified Unlawful Activity involving  
8 transfer on or about September 27th, 2012, of approximately  
9 \$150,000.00 from an account in the Turks & Caicos Islands to a  
10 Wells Fargo account in El Paso, Texas, we the jury unanimously  
11 find Marco Antonio Delgado guilty.

12 Dated the 21st day of September, 2016, at El Paso,  
13 Texas; signed by the jury foreperson.

14 Does either side wish to have the jury polled?

15 MS. FRANCO: Yes, Your Honor.

16 MR. HANSHEW: Yes, Your Honor.

17 THE COURT: All right. You may be seated. Thank you.

18 Ladies and gentlemen of the jury, you heard the  
19 verdict as read by the Court, guilty on all counts, 19 counts,  
20 and I would ask each one of you is this your verdict.

21 JURY POLLED

22 THE COURT: Juror Number 1, is this your verdict?

23 JUROR NO. 1: Yes, Your Honor.

24 THE COURT: Juror Number 2, is this your verdict?

25 JUROR NO. 2: Yes, Your Honor.

1 THE COURT: Juror Number 3, is this your verdict?

2 JUROR NO. 3: Yes, sir, Your Honor.

3 THE COURT: Juror Number 4, is this your verdict?

4 JUROR NO. 4: Yes, Your Honor.

5 THE COURT: Juror Number 5, is this your verdict?

6 JUROR NO. 5: Yes, Your Honor.

7 THE COURT: Juror Number 6, is this your verdict?

8 JUROR NO. 6: Yes, Your Honor.

9 THE COURT: Juror Number 7, is this your verdict?

10 JUROR NO. 7: Yes, Your Honor.

11 THE COURT: Juror Number 8, is this your verdict?

12 JUROR NO. 8: Yes, Your Honor.

13 THE COURT: Juror Number 9, is this your verdict?

14 JUROR NO. 9: Yes, Your Honor.

15 THE COURT: Juror Number 10, is this your verdict?

16 JUROR NO. 10: Yes, Your Honor.

17 THE COURT: Juror Number 11, is this your verdict?

18 JUROR NO. 11: Yes, sir.

19 THE COURT: Juror Number 12, is this your verdict?

20 JUROR NO. 12: Yes, Your Honor.

21 THE COURT: Very well.

22 At this time, the Court receives and accepts the  
23 jury's verdict in this case.

24 With that, this discharges your service as jurors. I  
25 am relieving you of the obligations I placed on you earlier

1 about not discussing the case with anyone. You're free to  
2 discuss the case with whomever you want. You're also free to  
3 refuse to discuss the case if that's what you wish to do.

4 On behalf of all of us involved in this trial, I thank  
5 you for your service, and on behalf of the citizens of our  
6 community, I thank you for your service.

7 I'll be back in a few moments to thank you personally.  
8 I would ask you just to wait in the jury room for just a few  
9 moments while we conclude our business in the courtroom.

10 COURT SECURITY OFFICER HEIDMAN: All rise.

11 (Jury excused at 3:11 p.m.)

12 THE COURT: All right.

13 Mr. Delgado, a jury of your peers having found you  
14 guilty on all 19 counts, it is the judgment then that you are  
15 guilty of the charges that were made against you in the  
16 superseding indictment in those 19 counts.

17 The next proceeding will be a sentencing hearing. And  
18 probation is here to tell us who will be in charge of preparing  
19 that report.

20 PROBATION OFFICER TORRES: Good afternoon, Your Honor.  
21 Sandra Torres, U.S. Probation. I will be preparing the  
22 presentence report in this case.

23 THE COURT: All right. Thank you, Ms. Torres.

24 And so Mr. Delgado, your next hearing I'm guessing  
25 will be somewhere around 60 days from now; maybe, a little

1       sooner, maybe, a little bit later. You'll be notified of that  
2       date either through your attorneys or through someone in your  
3       attorneys' office.

4               Anything further from the defense?

5       MR. HANSHEW: No, Your Honor.

6       THE COURT: From the government?

7       MS. KANOF: Nothing further, Your Honor.

8       THE COURT: All right.

9               Did either of you wish to go back and speak with the  
10       jury?

11       MS. KANOF: I do not, Your Honor.

12       THE COURT: You do not?

13       Ms. Arreola?

14       MR. ARREOLA: No, Your Honor. Thank you.

15       THE COURT: Mr. Hanshaw?

16       MR. HANSHEW: We wouldn't mind, Judge.

17       THE COURT: You would? Okay. All right.

18               If you'd just give me a minute, I'll go back and thank  
19       them. I'll ask them, those that want to stay and talk, to stay;  
20       those that don't, can leave.

21       MR. HANSHEW: All right. Thank you, Judge.

22       THE COURT: All right. Thank you.

23       We are adjourned.

24       COURT SECURITY OFFICER HEIDMAN: All rise.

25               (Proceedings conclude at 3:13 p.m.)

\* \* \* \* \*

I certify that the foregoing is a correct transcript from the record of proceedings in the above-entitled matter. I further certify that the transcript fees and format comply with those prescribed by the Court and the Judicial Conference of the United States.

Signature: /S/KATHLEEN A. SUPNET  
Kathleen A. Supnet, CSR

September 27, 2017  
Date

KATHLEEN A. SUPNET, CSR